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July 7, 2016

BY ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentation, *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services*, GN Docket No. 14-177; IB Docket No. 15-256; RM-11664, WT Docket No. 10-112; IB Docket No. 97-95

Dear Ms. Dortch,

On July 6, 2016, James Reid and Dileep Srihari of the Telecommunications Industry Association ("TIA") met with Brendan Carr of Commissioner Pai's staff to discuss the above-captioned proceeding.

During the meeting, TIA urged the Commission to adopt the policies described in the attached presentation. TIA also made reference to its ex parte letter of June 17, 2016[1] regarding appropriate power levels. TIA further discussed its concerns regarding the imposition of a network security certification requirement and spectrum aggregation limits, as explained in greater detail below.

Network security certification requirement

The Commission should avoid adopting millimeter-wave-specific network security requirements, including a certification requirement, in this proceeding. As TIA has stated and the Commission itself has acknowledged, the millimeter-wave bands are most likely to be used in conjunction with a range of other wired and wireless solutions, rather than as stand-alone networks.[2] Given this, it would be ill-advised for the Commission to adopt new millimeter-wave-specific security requirements in this proceeding.[3]

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[1] Letter from Telecommunications Industry Association to Marlene H. Dortch, filed June 17, 2016 in GN Docket No. 14-177, https://ecfsapi.fcc.gov/file/60002343561.pdf

[2] Notice of Proposed Rulemaking, *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services*, 30 FCC Rcd 11878 (2015) at ¶¶ 8, 58 ("NPRM").

[3] Comments of the Telecommunications Industry Association, filed Jan. 27, 2016 in GN Docket No. 14-177, at 36 ("TIA Comments"), https://ecfsapi.fcc.gov/file/60001415063.pdf

Even a simple security certification requirement could potentially create a legal duty of care for licensees – a duty that would, in turn, be pushed down to device manufacturers via contractual requirements. This would result in a different standard of potential liability for operators and device manufacturers for millimeter-wave operations vs. operations in other bands.

Yet 5G networks are ultimately anticipated to operate seamlessly across different bands and technologies – including lower-band spectrum. In this expected scenario, different standards of security for higher bands would be very difficult to administer in practical terms as devices hop seamlessly across different bands. Even worse, different standards of liability could result in distortions in network topology, since network architects could be forced to depart from technology-optimal designs in order to account for different risks of liability as data travels across different bands.

As TIA has stated, marketplace forces and existing private sector and government efforts will lead service providers and device manufacturers to incorporate the security features that customers demand.[4] Indeed, industry is already engaged in security work through various standards-setting bodies such as 3GPP.[5] Security discussions also occur under the auspices of the Commission's own Technological Advisory Council ("TAC"), its Communications Security, Reliability, and Interoperability Council ("CSRIC"), and through other agencies like the Federal Trade Commission ("FTC").[6] The Commission can and should encourage such efforts without imposing a band-specific mandate that will result in inadvertent negative consequences.

Spectrum aggregation limits

The Commission should not impose spectrum aggregation limits for the millimeter-wave bands. As TIA has previously explained, we agree with the Commission's original conclusion in the NPRM that such limits would be premature absent a conclusion that the spectrum is truly "suitable" and "available" for mobile services.[7]

Aside from such legal or policy considerations, however, imposing spectrum aggregation limits could also hinder technology developments in the bands. Technologies for using millimeter-wave spectrum remain at the nascent stage of technological development, even as a vast array of potential use cases continues taking shape. For example, it is conceivable that operation of lower power, wider-band technologies (or even ultra-wideband-like operations) might ultimately gain some traction in the marketplace if allowed to develop without regulatory interference. Imposing

[4] TIA Comments at 36.

[5] *See, e.g.*, Letter from Patricia Paoletta, Counsel to 5G Americas, to Marlene H. Dortch, filed June 17, 2016 in GN Docket No. 14-177, https://ecfsapi.fcc.gov/file/60002346693.pdf

[6] *Id.* at 4-5.

[7] TIA Comments at 28; NPRM ¶ 192.

rules limiting a single licensee to no more than 1250 MHz of spectrum[8] could curtail development of such technology.

If and when there is a market failure, the Commission can revisit the matter. Until then, it should allow technologists the widest panoply of options without artificially capping the amount of spectrum.

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Pursuant to Section 1.1206 of the Commission's rules, this letter is being filed in ECFS. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ Dileep Srihari
Dileep Srihari
Director, Legislative and Government Affairs
Telecommunications Industry Association

Enc: Meeting Presentation

Cc: Brendan Carr (via email)

[8] *Fact Sheet: Spectrum Frontiers Proposal To Identify, Open Up Vast Amounts Of New High-Band Spectrum For Next Generation (5g) Wireless Broadband*, rel. June 23, 2016, http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0623/DOC-339990A1.pdf